

# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 14, 2005 (BOS Mtg. 7/19/05)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Proposed amendment to County Code § 7.1-16, Repair and removal of unsafe buildings, walls or structures

A review of County code § 7.1-16 and the applicable statutes, prompted by a question from the Building Code Official, led to a discovery that the County had failed to take advantage of a recent amendment to Code of Virginia § 15.2-906, on which the County's ordinance is based. In 2004, the General Assembly amended the statute to provide for the creation of an automatic lien against property not only for the costs of the removal of unsafe structures, but also for the removal of nuisances under Virginia Code § 15.2-1900, should such ever happen. Code of Virginia § 15.2-1900 allows localities to maintain an action to compel a responsibility to abate or remove a public nuisance, or in certain circumstances for the locality to remove the nuisance at the owner's cost. However, that particular section does not provide for the cost of the removal borne by the local government to become an automatic lien against the property. The General Assembly thought to amend the code to create an automatic lien against real property for the locality's cost of the removal of a nuisance, and apparently deemed it wise to place that provision in the same statute which is generally applicable to the removal or repair of unsafe buildings and other structures. Consequently, with the review and consent of the County Building Code Official, I have proposed doing the same by adding language to County code § 7.1-16.

Attached is proposed Ordinance No. 05-19 for your consideration.

Barnett/3440:sw  
Attachment

- Ordinance No. 05-19